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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,957	01/14/2002	Robert Jonathan Carr	CAR780-00/01700	4411

7590 11/21/2002

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EXAMINER

SEMUNEGUS, LULIT

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 11/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/046,957

Applicant(s)

CARR, ROBERT JONATHAN

Examiner

Lulit Semunegus

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: The reference number "16" on page 13 line of the specification should be changed to "66".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5-6 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Buchanan (1,299,117). Buchanan teaches an aircraft comprising: a fuselage with a forward end and aft end and two lateral sides (fig.2); a pair of coanda each with an inner and outer end; a pair of upper wings each with an inner and outer end; and a pair of lower wings each with an inner and outer end; one of the coanda is disposed on either side of the fuselage with the inner ends attached to the lateral sides of the fuselage; one of the upper wings is disposed on either side of the fuselage with the inner ends attached to the lateral sides of the fuselage, located aft and above in relation to the coanda; one of the lower wings is disposed on either side of the fuselage with the inner ends attached to the lateral sides of the fuselage, located aft and below in relation to the coanda and below and forward in relationship to the upper wings; the outer ends of the coanda, upper wings and lower wing located on each lateral side meet (fig. 3).

As to claim 2, Buchanan teaches the coandas have a curved top surface and a curved bottom surface and a generally downward angle with relation from forward to aft of the fuselage (fig. 3).

As to claims 5, 6 and 12, Buchanan teaches the aircraft further comprising a propeller driven by an engine mounted on the forward end of the fuselage (fig. 2) and inherently can have a propeller driven by an engine mounted on the aft end of the fuselage.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan (1,299,117) in view of Ratony (Des. 304,821). Buchanan teaches all the limitations of claim 7 except the aircraft having a pair of engines. Ratony teaches the aircraft further comprising a pair of engines for generating thrust located on the forward end of the fuselage on either lateral side (all figures). At the time of the invention, it would have been obvious to one ordinary skilled in the art to have a pair of engines instead of a propeller as shown in Buchanan to increase the thrust thus increasing weight capacity of the aircraft.

6. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan (1,299,117) in view of Wenzel (4,146,199). Buchanan teaches all the

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limitations of claims 3-4 except the upper wings having curved upper surface and a flat bottom surface. Wenzel teaches a multi-winged aircraft with upper wings having curved upper surface and a flat bottom surface (11,12). At the time of the invention, it would have been obvious to one ordinary skilled in the art to have the wing of Buchanan shaped with curved upper surface and a flat bottom surface to provide an appropriate amount of lift along with minimal drag.

7. Claim 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan (1,299,117) and Ratony (Des. 304,821) in view of Clark et al (3,651,583). Buchanan and Ratony teach all the limitations of claim 9 except a thrust diverter installed on either side of the aft end of the fuselage. Clark et al teach an aircraft with thrust diverters on the aft end of the fuselage (23). At the time of the invention it would have been obvious to one ordinary skilled in the art to have a thrust diverters as shown in Clark et al into any aircraft to re-direct the exhaust from vertical to nearly horizontal or re-directs the thrust toward the rear of the airplane to lift the plane.

8. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan (1,299,117) in view of Appa (6,190,484). Buchanan teaches all the limitations of claims 10-11 except the wing having a plurality of cells with pressure valve. Appa teaches a wing having plurality of cells with pressure valve (52). At the time of the invention, it would have been obvious to one ordinary skilled in the art to have the wing of Buchanan having plurality of cells with pressure valve to control the amount of lift that the wing generates.

***Allowable Subject Matter***

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9. Claim 13 is allowed.
10. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. DE 3509689 teaches a three-winged aircraft.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lulit Semunegus whose telephone number is (703) 306-5960. The examiner can normally be reached on Mon-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (703) 306-4198. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

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November 11, 2002

Lulit Semunegus  
Examiner  
Art Unit 3641

MICHAEL CARONE  
SUPERVISORY PATENT EXAMINER